



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,501	12/04/2000	James B. Pitkow	12260-02/JWE	1004

7590 04/04/2005

STRADLING YOCCA CARLSON & RAUTH,
IP Department
660 Newport Center Drive, Suite 1600
P.O. Box 7680
Newport Beach, CA 92660-6441

EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/730,501	PITKOW ET AL.	
	Examiner	Art Unit	
	Sam Rimell	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-49 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-9, 11, 14-22, 25-35 and 37-49 is/are rejected.
- 7) Claim(s) 10, 12, 13, 23, 24, 36 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 11, 14-22, 25-35 and 37-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Dharap (U.S. Patent 6,256,633).

Claim 1: Dharap discloses a technique of augmenting the searches of information repositories (document base 102). The user establishes a list of topics in memory (106) which are readable as content pointers (col. 3, lines 28-32). The content pointers are shared by the client (104) with the memory (106). The system then receives a subject keyword (col. 3, line 26). A search is then performed of the content pointers (col. 3, lines 44-45) and an additional keyword is derived from that search (col. 3, lines 46-49).

Claim 2: The original query word which was submitted is then augmented by the additional keyword, and a search is performed of the information repository (document base 102) using the augmented query (col. 4, lines 1-2). A group of objects are then retrieved that match the augmented query (col. 4, lines 11-12). A context is then derived (col. 4, lines 19-25 and 46-51) which is then used to create a dynamic profile for subsequent searches. In any subsequent searches, the documents are retrieved based upon the context generated. The ordering step is then performed (col. 4, lines 15-18).

Claim 3: The context (col. 4, lines 19-25 and 46-51) are generated for each user. Thus, the total collection of generated contexts represent a profile for a group.

Claim 4: The context (col. 4, lines 19-25 and 46-51) are generated for each user. Thus, the profile could simply be the context generated by a single user.

Claim 5: The content vector that derives from the context can be the listing of words generated by the context generator (col. 4, lines 19-25 and 46-51). Each content vector can include individual phrases, such as “food processor” and “microwave oven” which are also content pointers. The content vector (series of words at col. 4, lines 46-51) can also be part of a topical category (the category of cooking). The content vector can be based on the contributions of a single user.

Claim 6: The content vector can be based upon the contributions of multiple users.

Claim 7: The content vector is a series of words produced by the processing system (col. 4, lines 46-51). The content vector (series of words) are derived from other documents in the information repository (document base 102).

Claim 8: The series of words derived in col. 4, lines 46-51 are words such as “cooking”, which is the high level category for additional words such as “food processor” and “microwave oven”. The relation of these words are hierarchical, since “cooking” is a general topic, while “food processor” and “microwave oven” are specific objects descending from that general topic.

Claim 9: The words generated at col. 4, lines 46-51 are also readable as content pointers. These content pointers can be ordered in a dictionary (col. 4, lines 19-25) and assigned certain weights (col. 4, line 22).

Claim 11: The ordering step is performed by a recommendation engine, such as a website (<http://www.planetsearch.com>; col. 4, line 14).

Claim 14: Dharap discloses a technique of augmenting the searches of information repositories (document base 102). The user establishes a list of topics in memory (106) which are readable as content pointers (col. 3, lines 28-32). The content pointers are shared between the client (104) and memory (106). Each is contributed by at least one user. The system receives a subject keyword (col. 3, line 26). A search is then performed of the content pointers (col. 3, lines 44-45) and an additional keyword is derived from that search (col. 3, lines 46-49). The original query word which was submitted is then augmented by the additional keyword, and a search is performed of the information repository (102) using the augmented keyword (col. 4, lines 1-2). After the search is performed, the resulting hits form a content index.

Claim 15: Col. 4, lines 47-52 describe the identification of a context, and additional keywords that can be used to augment search queries. For example, the query word “dining” can be further augmented by the words “cooking” and “microwave oven”.

Claim 16: The context (col. 4, lines 19-24 and 46-51) are generated for each user. Thus, the total collection of generated contexts represents a profile for a group.

Claim 17: The individual words in the overall profile are also readable as content pointers. As seen at col. 4, lines 46-51 the content pointers are associated with topical categories, such as cooking.

Claim 18: The content pointers described at col. 4, lines 46-51 are generated by the actions of the user submitting a query, and thus is established by a user. The content pointers follow a topical categorical organization (a subject such as “cooking” followed by objects related to that subject, such as “food processors”).

Claim 19: The content pointers can be established for multiple users.

Claim 20: Once the context is established (col. 4, lines 46-51) the context words can be used to augment the queries of future searches. The set of context words which are generated are readable as a context vector. The resulting hits are the content index.

Claim 21: The resulting hits are the content index, and are placed in a ranking order (col. 4, line 16).

Claim 22: The ordering step is performed by a website, such as <http://www.planetsearch.com> (col. 4, line 14).

Claim 25: See remarks for claim 14.

Claim 26: See remarks for claim 19.

Claim 27: See remarks for claim 14.

Claim 28: See remarks for claim 27.

Claim 29: See remarks for claim 27.

Claim 30: The collection context is described at col. 4, lines 46-51. The words in the collection context can be used to augment future search queries, once the context is established.

Claim 31: See remarks for claims 14 and 15.

Claim 32: See remarks for claim 19.

Claim 33: See remarks for claim 16.

Claim 34: See remarks for claim 17.

Claim 35: See remarks for claim 9.

Claim 37: The set of words generated by the context generation steps (col. 4, lines 46-51) identify associate keywords with which to augment search queries.

Claim 38: The set of keywords described at col. 4, lines 46-51 are readable as a collection context.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 39-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Kravets et al. (U.S. Patent 6,363,377).

Claim 39: FIG.4 of Kravets et al. illustrates a display of results from a query that meets the claimed limitations. Data items (news articles numbered as “54”, “28”, “7” and “1”) are received in response to a query and identify their content source (the article from which the data item derived). The data item is then associated with a specific category, which is the common phrase that will always locate that data item. For example, the data item “54” is in a single category and associated with a single common phrase. The data item also functions as a content pointer, since it points to the content of a specific news article.

Claim 40: In FIG. 4, the step of inserting a query is the step of identifying a topic. The step of comparing the topic to a first list of topic is simply the step of comparing the query term to data in an information repository. The remaining steps of the claim are prefaced by the clause “if”, which means that none of the steps are mandatory. Since none of these remaining steps are mandatory, they do not further limit the claim.

Claim 41: As seen in FIG. 4, each search is associated with a hierarchical listing of categories. In FIG. 4, four such categories are illustrated. Any individual search query that produces a listing of categories can read as a user specific hierarchy of categories. In a network having multiple users, multiple hierarchical categories will inherently be produced.

Claim 42: The content pointers are the individual data items, such as the news articles numbered as “54” or “28”. The profile is the title of the news article. The profiles are the associated with clusters (410, 420, 430, 440). The clustering is performed repeatedly to produce a set of four clusters (410, 420, 430, 440).

Claim 43: FIG. 4 is a display mode. The content pointers are the individual news articles numbered “54”, “28”, “7” and “1”. The content pointers are displayed in the display mode. The content pointers are also displayed in a hierarchical order “1”, “2”, “3” and “4”.

Claim 44: The display mode of FIG. 4 is a list mode since it produces a list of items.

Claim 45: Each content pointer includes an additional detail notation, such as a URL. For example, the content pointer “7” is associated with the URL <http://www.vnv.com/City/Airports/ewrcoach.html>.

Claim 46: The detail notation as described with respect to claim 46 is a URL.

Claim 47: The display mode of FIG. 4 is two-dimensional.

Claim 48: See remarks for claim 45.

Claim 49: See remarks for claim 46.

Claims 10, 12, 13, 23, 24 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Remarks

Applicant's arguments and amendments have been considered.

Claims 1 and 14 have been amended to define shared content pointers. Applicant argues that Dharap lacks this feature by reason that the searches performed by Dharap are performed by a single user, rather than by users sharing information. This argument has been considered, but is found inconsistent with the claims, which do not define the nature of the sharing. For example, claims 1 and 14 define shared content pointers but do not state what elements are performing for the sharing. In Dharap, the content pointers are created at the client end (104) and shared with the memory (106). This is sufficient teaching to anticipate claims 1 and 14 given their current amendments. Claims 1 and 14 have no requirements for any form of sharing between multiple users, or even the presence of multiple users.

Applicant also argues that Dharap lacks the feature recited in claim 14 of content pointers “..contributed by at least one user of a plurality of users.” The system of Dharap in FIG. 1 does in fact disclose the presence of at least one user, and thus anticipates this claimed feature. Additionally, multiple users are capable of interacting with and using the system of FIG. 1.

With respect to the reference to Kravets, applicant argues that Kravets does not disclose a collection of shared content pointers contributed by a plurality of users. Examiner finds that Kravets has these features exactly as claimed. FIG. 4 illustrates the data items. The data items are contributed by multiple users in the sense that they are contributed by multiple authors to the

public network. Additionally, these items are voted upon and provided rankings by the users of the site shown in FIG. 4.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
Art Unit 2165